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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,899

10/29/2003

Dean Jeffrey Bidwell

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7590

07/28/2005

Elsa Keller Legal Administrator  
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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,899

Applicant(s)

BIDWELL ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: 6/27/05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “control panel connected to the stand at a position more centered than off-centered on the control panel” must be shown or the feature(s) canceled from the claim(s). Applicant’s Fig. 2, for example, shows the control panel (12) at the front of the stand and not centered. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The rejection under 35 U.S.C. § 112, second paragraph, has been withdrawn, since the applicant's attorney provided clarification regarding the term "connected" to mean "a physical attachment" and the term "mounted" to mean "can not rotate relative to the stand," which would simply indicate a physical attachment to the stand that does not rotate. The attorney for applicant also directed the Examiner to page 2, lines 3 and 19-20 of the specification, respectively, to show enabling disclosure in the as-filed application for both "mounted" and "connected" in relation to the stand.

***Allowable Subject Matter***

The indicated allowability of claims 8 and 14 is withdrawn in view of the reference(s) to U.S. Patent No. 5,129,397 to Jingu et al. Rejections based on the cited reference(s) follow.

***Claim Rejections - 35 USC § 102/103***

Claims 13, 14, 16-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,129,397 to Jingu. Referring to claim 13, Jingu discloses an ultrasound system stand (20) for use with an ultrasound system (see Fig. 2), the stand comprising a control panel (46) connected with the stand and inherently operatively connected with the ultrasound system, a display (62) above the control panel (46), and a transducer connector (82) connected with the stand (2), a top of the transducer connector (82) being below a top of the display (62), wherein the control panel is oriented at more than 10 degrees and less than 80 degrees to the transducer connector, the orientation relative to an operator position. Jingu discloses the claimed orientation, since an operator has the

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ability to position, i.e., orient, the control panel (46), utilizing post (24) and arm (26) of the stand. See Figs. 5 and 7 and the corresponding specification.

Likewise, Figs. 11-13 show a top of a transducer connector above a lowest portion of a control panel (108). As such, it would have been obvious to one having ordinary skill in the art at the time of the invention to relocate or place the transducer connector above a lowest portion of a control panel provide, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 14, Fig. 11 of Jingu shows a movable stand as substantially claimed, wherein at least a portion of the transducer connector is a same height as a least a portion of the control panel. As mentioned above, rearranging parts of the invention involves only routine skill in the art.

Referring to claim 16, Jingu discloses an ultrasound system stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 17, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 18, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 19, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 20, Jingu discloses a movable stand, further comprising a transducer hanger (not numbered) connected with the stand on a same side of the stand as the transducer connector. See Fig. 9, which shows hanger at display (62).

Referring to claim 21, Fig. 9 of Jingu shows a movable stand, further comprising at least one caster (22) connected with a bottom of the stand.

Referring to claims 23 and 24, the method steps are necessitated by the device structure disclosed by Jingu. See Figs. 7-9 and the corresponding specification.

Claims 1-8, 9-12, 22 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu. Referring to claim 1, Jingu discloses a moveable stand (20) for operating a data system, the moveable stand comprising a control panel (46) connected to the stand, and an accessory device (84) having a user interface (i.e., slot opening), the accessory device on the stand, and a transducer connector (82) on a vertical portion of the stand, the user interface of the accessory device and transducer connector on different sides of the control panel relative to an operator position (see Fig. 9). Jingu also discloses the control panel (46) oriented at more than 10 degrees and less than 80 degrees to the user interface of the accessory device (84) and to the transducer connector (82), the orientation relative to an operator position, since an operator has the ability to position, i.e., orient, the control panel (46) as claimed, utilizing post (24) and arm (26). See Figs. 5 and 7 and the corresponding specification.

Although Jingu does not specifically teach the control panel connected to the stand at a position more centered than off-centered, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 2, Jingu discloses a movable, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 3, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 4, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 5, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented at more than 10 degrees and less than 80 degrees to any side of the accessory device (84), the accessory device comprising a generally rectilinear volume-having four sides, a top and a bottom. See Figs. 7 and 9 and the corresponding specification.

Referring to claim 6, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 7, Fig. 9 of Jingu shows a movable stand, further comprising a display device (62) positioned above the control panel (46), wherein the accessory device (84) is positioned below the control panel.

Referring to claim 8, Fig. 11 of Jingu shows a movable stand as substantially claimed, wherein at least a portion of the transducer connector is a same height as a least a portion of the control panel. As mentioned above, rearranging parts of the invention involves only routine skill in the art.

Referring to claim 9, Jingu discloses a movable stand, further comprising a display (62) above the control panel (46), wherein a top of the transducer connector (82) is below a top of the display and above a lowest portion of the control panel (see Fig. 2).

Referring to claim 10, Jingu discloses a movable stand, wherein the accessory device (84) comprises at least one of a printer and a video-cassette recorder (see col. 5, lines 60-61).

Referring to claim 11, Jingu discloses a movable stand, further comprising at least one caster (22) connected with a bottom of the stand. See Figs. 2-10 and col. 3, line 66.

Referring to claim 12, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Referring to claim 22, Jingu inherently discloses a method for ergonomically connecting ultrasound system components as claimed, including orienting the control panel (46) at more than 10 degrees and less than 80 degrees to the transducer connector (82) relative to the operator position, the transducer connector (82) spaced 90 to 270 degrees around the diameter of the ultrasound system stand from the user interface of the accessory device (84). See Figs. 7 and 9 and the corresponding specification.



Referring to claims 26 and 28, Jingu discloses a movable stand wherein the control panel "mounts to the stand" and "is mounted on the stand" to the stand. See col. 4, lines 51-55, which teaches both rotatable and fixed or locked positioning of the control panel on the stand.

Referring to claim 27, Jingu discloses a movable stand, wherein the control panel has a back edge relative to the operator position, the control panel connected to the stand at a center of the back edge (see Fig. 7).

Referring to claim 29, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 30, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 31, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu in view of U.S. Patent No. 6,493,220 to Clark et al. Jingu discloses the invention as claimed, except for the accessory device provided within the stand. Clark teaches placing or housing an accessory device (430) within a stand (414) of an ultrasound system (see Fig. 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stand of Jingu to position or house the accessory device within the stand, as taught by Clark et al., since this would eliminate the need for placing devices on the top surface of the stand of Jingu (see Fig. 9), thereby providing a less cluttered and but more pleasing unit to the eye.

*Response to Arguments*

Applicant's arguments filed May 9, 2005 have been fully considered but they are not persuasive. Although the Examiner originally agreed to the applicant's proposal's and comments, upon further review of the prior art to Jingu, he rescinds the indication of allowable subject matter according the above comments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

aqe

  
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